



# Arbitration (Scotland) Act 2010

## 2010 asp 1

### ARBITRATION (SCOTLAND) ACT 2010

#### *Introductory*

- 1 Founding principles
- 2 Key terms
- 3 Seat of arbitration

#### *Arbitration agreements*

- 4 Arbitration agreement
- 5 Separability
- 6 Law governing arbitration agreement

#### *Scottish Arbitration Rules*

- 7 Scottish Arbitration Rules
- 8 Mandatory rules
- 9 Default rules

#### *Suspension of legal proceedings*

- 10 Suspension of legal proceedings

#### *Enforcing and challenging arbitral awards etc.*

- 11 Arbitral award to be final and binding on parties
- 12 Enforcement of arbitral awards
- 13 Court intervention in arbitrations
- 14 Persons who take no part in arbitral proceedings
- 15 Anonymity in legal proceedings

#### *Statutory arbitration*

- 16 Statutory arbitration: special provisions
- 17 Power to adapt enactments providing for statutory arbitration

*Recognition and enforcement of New York Convention awards*

- 18 New York Convention awards
- 19 Recognition and enforcement of New York Convention awards
- 20 Refusal of recognition or enforcement
- 21 Evidence to be produced when seeking recognition or enforcement
- 22 Saving for other bases of recognition or enforcement

*Supplementary*

- 23 Prescription and limitation
- 24 Arbitral appointments referee
- 25 Power of judge to act as arbitrator or umpire
- 26 Amendments to UNCITRAL Model Law or Rules or New York Convention
- 27 Amendment of Conveyancing (Scotland) Act 1924 (c. 27)
- 28 Articles of Regulation 1695
- 29 Repeals
- 30 Arbitrability of disputes

*Final provisions*

- 31 Interpretation
- 32 Ancillary provision
- 33 Orders
- 34 Crown application
- 35 Commencement
- 36 Transitional provisions
- 37 Short title

---

**SCHEDULE 1 — Scottish Arbitration Rules**
**Part 1 — COMMENCEMENT AND CONSTITUTION OF TRIBUNAL ETC.**

- 1 Rule 1 Commencement of arbitration **D**
- 2 Rule 2 Appointment of tribunal **D**
- 3 Rule 3 Arbitrator to be an individual **M**
- 4 Rule 4 Eligibility to act as arbitrator **M**
- 5 Rule 5 Number of arbitrators **D**
- 6 Rule 6 Method of appointment **D**
- 7 Rule 7 Failure of appointment procedure **M**
- 8 Rule 8 Duty to disclose any conflict of interests **M**
- 9 Rule 9 Arbitrator's tenure **D**
- 10 Rule 10 Challenge to appointment of arbitrator **D**
- 11 Rule 11 Removal of arbitrator by parties **D**
- 12 Rule 12 Removal of arbitrator by court **M**
- 13 Rule 13 Dismissal of tribunal by court **M**
- 14 Rule 14 Removal and dismissal by court: supplementary **M**
- 15 Rule 15 Resignation of arbitrator **M**
- 16 Rule 16 Liability etc. of arbitrator when tenure ends **M**
- 17 Rule 17 Reconstitution of tribunal **D**
- 18 Rule 18 Arbitrators nominated in arbitration agreements **D**

**Part 2 — JURISDICTION OF TRIBUNAL**

- 19 Rule 19 Power of tribunal to rule on own jurisdiction **M**

- 20 Rule 20 Objections to tribunal's jurisdiction **M**
- 21 Rule 21 Appeal against tribunal's ruling on jurisdictional objection **M**
- 22 Rule 22 Referral of point of jurisdiction **D**
- 23 Rule 23 Jurisdiction referral: procedure etc. **M**
  - Part 3 — GENERAL DUTIES
- 24 Rule 24 General duty of the tribunal **M**
- 25 Rule 25 General duty of the parties **M**
- 26 Rule 26 Confidentiality **D**
- 27 Rule 27 Tribunal deliberations **D**
  - Part 4 — ARBITRAL PROCEEDINGS
- 28 Rule 28 Procedure and evidence **D**
- 29 Rule 29 Place of arbitration **D**
- 30 Rule 30 Tribunal decisions **D**
- 31 Rule 31 Tribunal directions **D**
- 32 Rule 32 Power to appoint clerk, agents or employees etc. **D**
- 33 Rule 33 Party representatives **D**
- 34 Rule 34 Experts **D**
- 35 Rule 35 Powers relating to property **D**
- 36 Rule 36 Oaths or affirmations **D**
- 37 Rule 37 Failure to submit claim or defence timeously **D**
- 38 Rule 38 Failure to attend hearing or provide evidence **D**
- 39 Rule 39 Failure to comply with tribunal direction or arbitration agreement **D**
- 40 Rule 40 Consolidation of proceedings **D**
  - Part 5 — POWERS OF COURT IN RELATION TO ARBITRAL PROCEEDINGS
- 41 Rule 41 Referral of point of law **D**
- 42 Rule 42 Point of law referral: procedure etc. **M**
- 43 Rule 43 Variation of time limits set by parties **D**
- 44 Rule 44 Time limit variation: procedure etc. **M**
- 45 Rule 45 Court's power to order attendance of witnesses and disclosure of evidence **M**
- 46 Rule 46 Court's other powers in relation to arbitration **D**
  - Part 6 — AWARDS
- 47 Rule 47 Rules applicable to the substance of the dispute **D**
- 48 Rule 48 Power to award payment and damages **M**
- 49 Rule 49 Other remedies available to tribunal **D**
- 50 Rule 50 Interest **M**
- 51 Rule 51 Form of award **D**
- 52 Rule 52 Award treated as made in Scotland **D**
- 53 Rule 53 Provisional awards **D**
- 54 Rule 54 Part awards **M**
- 55 Rule 55 Draft awards **D**
- 56 Rule 56 Power to withhold award on non-payment of fees or expenses **M**
- 57 Rule 57 Arbitration to end on last award or early settlement **D**
- 58 Rule 58 Correcting an award **D**
  - Part 7 — ARBITRATION EXPENSES
- 59 Rule 59 Arbitration expenses **D**
- 60 Rule 60 Arbitrators' fees and expenses **M**
- 61 Rule 61 Recoverable arbitration expenses **D**
- 62 Rule 62 Liability for recoverable arbitration expenses **D**
- 63 Rule 63 Ban on pre-dispute agreements about liability for arbitration expenses **M**

- 64 Rule 64 Security for expenses **D**
  - 65 Rule 65 Limitation of recoverable arbitration expenses **D**
  - 66 Rule 66 Awards on recoverable arbitration expenses **D**
    - Part 8 — CHALLENGING AWARDS
  - 67 Rule 67 Challenging an award: substantive jurisdiction **M**
  - 68 Rule 68 Challenging an award: serious irregularity **M**
  - 69 Rule 69 Challenging an award: legal error **D**
  - 70 Rule 70 Legal error appeals: procedure etc. **M**
  - 71 Rule 71 Challenging an award: supplementary **M**
  - 72 Rule 72 Reconsideration by tribunal **M**
    - Part 9 — MISCELLANEOUS
  - 73 Rule 73 Immunity of tribunal etc. **M**
  - 74 Rule 74 Immunity of appointing arbitral institution etc. **M**
  - 75 Rule 75 Immunity of experts, witnesses and legal representatives **M**
  - 76 Rule 76 Loss of right to object **M**
  - 77 Rule 77 Independence of arbitrator **M**
  - 78 Rule 78 Consideration where arbitrator judged not to be impartial and independent **D**
  - 79 Rule 79 Death of arbitrator **M**
  - 80 Rule 80 Death of party **D**
  - 81 Rule 81 Unfair treatment **D**
  - 82 Rule 82 Rules applicable to umpires **M**
  - 83 Rule 83 Formal communications **D**
  - 84 Rule 84 Periods of time **D**
- Index

SCHEDULE 2 — Repeals